

Atty. Docket No. YOR9-2000-0168US1

(590.014)

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REMARKS

Claims 1-27 were pending in the instant application at the time of the outstanding Office Action. Claims 1, 14 and 27 are independent; the remaining claims are dependent. The independent claims are rewritten herein. It should be noted, however, that these amendments are not in acquiescence of the Office's position on allowability of the claims, but merely to expedite prosecution, and that Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. On June 1, 2007 Applicants' representative conducted a telephone interview with the Examiner in which the present application was discussed. No agreement was reached regarding the pending claims and rejections. On June 19, 2007, Applicants' representative conducted a telephone interview with Supervisory Examiner Richemond Dorvil. The pending claims and rejections were discussed and it was agreed that the rejection of claim 27 under 35 U.S.C. § 112 was improper. It was further agreed that claim amendments made herein would overcome the rejection of Claims 1-27 under 35 U.S.C. § 101.

Claims 1-27 stand rejected under 35 U.S.C. § 101 "as substantially drawn to or reasonably interpreted as arranging pure (abstract) data and/or manipulating [an] abstract algorithm, which falls within [the] 35 U.S.C. § 101 Judicial Exceptions, i.e. abstract

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idea.” (Office Action, pp. 3). Reconsideration and withdrawal of these rejections is respectfully requested.

Even if a claims 1-27 were directed towards an “abstract idea”, these claims are patentable so long as each claim is, as a whole, a practical application of that “abstract idea.” Manual of Patent Examining and Procedure (“MPEP”), Rev. 5, § 2106(IV)C(2), available at: http://www.uspto.gov/web/offices/pac/mpep/documents/2100_2106.htm (last visited June 21, 2007). A claim is directed to a practical application when it: (A) “transforms” an article to a different state; or (B) otherwise produces a useful, concrete and tangible result. *Id.* If the Examiner finds such a transformation, the Examiner shall end the inquiry. MPEP, § 2106(IV)C(2)(1).

To the extent that any “abstract idea” is contained in claims 1-27, it is directed to a practical application, namely transforming speech for speaker recognition. Furthermore, solely in an effort to expedite prosecution, independent claims 1, 14 and 27 have been rewritten to clarify that they are directed to a practical application because they transmute speech input to achieve the practical result of speaker recognition.

Accordingly, claim1 has been rewritten to recite, *inter alia*, “*wherein the identity claim is a test utterance, and further wherein features are extracted from the test utterance.*” (Claim 1, emphasis added). This amendment is intended to clarify that *a test utterance* is received and its *features extracted*, thus physically *transforming* the test utterance prior to providing it to the decision arrangement. The remaining independent claims (14 and 27) have been amended to contain similar language. It is therefore

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respectfully requested that the rejections under 35 U.S.C. § 101 of claims 1, 14 and 27, and claims depending therefrom, be reconsidered and withdrawn.

Claim 27 stands rejected under 35 U.S.C. § 112 as being indefinite because the preamble of the claim recites a machine while the body of the claim recites a computer-implemented method. This claim language has been endorsed as proper. *In re Beauregard*, 53 F 3d 1583 (Fed. Cir. 1995); see also MPEP § 2106. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that claims 1- 27 are directed towards statutory subject matter and are in condition for allowance. It is also respectfully submitted that claim 27 is not indefinite and is in condition for allowance.

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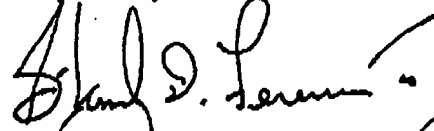
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In summary, it is respectfully submitted that the instant application, including claims 1-27, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited. In the unlikely event, however, it appears the claims will not be allowed, the Office is invited to call the undersigned to discuss the claims prior to the issuance of another Office Action.

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Respectfully submitted,



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